

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**IN RE: BP p.l.c.
SECURITIES LITIGATION**

THE STATE OF OREGON

v.

BP P.L.C. et al.

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MDL No. 10-md-2185

Civ. Act. No. 4:12-cv-1836

HON. KEITH P. ELLISON

ORDER

Plaintiff has moved to remand this case to the Circuit Court of the State of Oregon, County of Multnomah. A hearing has been scheduled for September 14, 2012 at 1 p.m. to hear arguments regarding Plaintiff's motion. The parties should be prepared to address the following questions at the hearing:

1. If Plaintiff's claims are within the jurisdictional grant of 43 U.S.C. § 1349(b)(1), are they also subject to the substantive law provision of 43 U.S.C. § 1333(a)(2)(A)?¹
2. Has any court applied a "but for" jurisdictional test under 43 U.S.C. § 1349(b)(1) to a claim not involving personal injury or property damage occurring on the Outer Continental Shelf or directly caused by operations conducted on the Outer Continental Shelf?²
3. If Plaintiff's claims regarding even one allegedly misleading statement fall within the jurisdictional grant of 43 U.S.C. § 1349(b)(1), what authority justifies remand on the basis that other allegedly misleading statements do not fall within the jurisdictional grant?³

¹ Question is addressed primarily to Defendants.

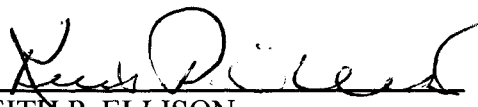
² Question is addressed primarily to Defendants.

³ Question is addressed primarily to Plaintiff.

The parties are permitted, but are not required, to submit additional briefing on these questions prior to the hearing. Any such briefing may not be longer than 10 pages and must be filed with the Court by September 11, 2012 at 9:00 a.m. If Defendants decide to brief the above questions, they are encouraged but not required to file a single consolidated brief in both this case and *Ohio Public Employees Retirement System et al. v BP America, Inc. et al* (12-cv-1837).⁴

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 4th day of September, 2012.


KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

⁴ The plaintiff in 12-cv-1837 has also moved for remand. The overlap between the two motions for remand is substantial, and the Court will entertain arguments regarding both at the September 14, 2012 hearing.